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SAFER TECHNOLOGIES, INC.,
CERMA TECHNOLOGY, INC.,
GEORGE ACKERSON, MARY STRANAHAN,
NICHOLAS STREIT and EDWARD HALBACH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOTOR WORKS LLC,

Plaintiff,

vs.

SAFER TECHNOLOGIES, INC., CERMA
TECHNOLOGY, INC., GEORGE
ACKERMAN, MARY STRANAHAN,
NICHOLAS STREIT, TIM STREIT and
EDWARD HALBACH,

Defendants.

Case No.: 08-CV-03608 JW

**NOTICE OF DEFENDANTS' MOTION
FOR SUMMARY ADJUDICATION**

Date: October 5, 2009
Time: 9:00 a.m.
Courtroom: 8, 4th Floor
Judge: Hon. James Ware

TO EACH PARTY AND THEIR ATTORNEY OF RECORD:

YOU ARE HEREBY NOTIFIED THAT on October 5, 2009 at 9:00 a.m. or as soon thereafter as it may be heard in Courtroom 8 of the above-entitled court located at 280 South First Street, San Jose, California, 95113, Hon. James Ware presiding, defendants Safer Technologies, Inc., Cerma Technology, Inc., George Ackerson, Mary Stranahan, Nicholas Streit and Edward Halbach ("defendants") will move this Court as follows:

1. For summary judgment pursuant to Fed. R. Civ. P. R 56(a-c) on the grounds that there is no genuine issue as to any material fact and that defendants are entitled to judgment as a matter of law for the reason that plaintiff cannot establish the *prima facie* elements of its case, has

1 failed to timely respond to Requests for Admissions, thereby admitting the lack of merit in its
 2 claims, and does not own the intellectual property at issue;

3 2. Alternatively, for an order under Fed. R. Civ. P. Rule 56(d) specifying the
 4 following material facts exist without substantial controversy and are deemed established for
 5 purposes of trial:

6 a) Plaintiff Motor Works cannot establish the *prima facie* elements of its case;

7 b) Plaintiff Motor Works has failed to timely respond to defendant's Requests
 8 for Admissions, thereby admitting the matters requested; and,

9 c) Plaintiff Motor Works does not own the intellectual property at issue.

10 This Motion will be based upon this Notice of Motion and Motion, the accompanying
 11 Memorandum of Points and Authorities, the Declarations of Nicholas Streit and James M.
 12 Hanavan, together with exhibits thereto, all pleadings and papers on file in this action, and upon
 13 such matters as may be presented to the Court at the time of the hearing.

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 15 Dated: August 31, 2009

CRAIGIE, McCARTHY & CLOW

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 18 /s/ James M. Hanavan

19 By: James M. Hanavan
 20 Attorneys for Defendants
 21 SAFER TECHNOLOGIES, INC.,
 22 CERMA TECHNOLOGY, INC.,
 23 GEORGE ACKERSON,
 24 MARY STRANAHAN,
 25 NICHOLAS STREIT and
 26 EDWARD HALBACH
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